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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,352	02/13/2004	Hisashi Miyata	1503.69691	7893
7590		02/20/2007	EXAMINER	
Patrick G. Burns, Esq. GREER, BURNS & CRAIN, LTD. 300 South Wacker Dr., Suite 2500 Chicago, IL 60606			THAI, HANH B	
			ART UNIT	PAPER NUMBER
			2163	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DÉLIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/779,352	MIYATA ET AL.	
	<b>Examiner</b> Hanh B. Thai	<b>Art Unit</b> 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on amendment filed 12/18/06.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____.                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

1. The following is Final Office Action in response to the amendment filed December 18, 2006. Independent claims 1, 3 and 5 have been amended. Claims 1-5 are pending in this application.

### *Response to Arguments*

2. Applicant's arguments regarding "consistency among databases can be maintained when copying a journal from a plurality of source databases to a plurality of destination databases" have been fully considered but they are not persuasive.

Examiner points out that "consistency among databases can be maintained when copying" is not found in the claims. Furthermore, examiner maintains Yamaguchi's teaching the consistency of replica databases while updating is equivalent to the claimed language.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, it is not clear whether a transaction identification or plural transaction identifications obtained from the plural source databases.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCurdy et al. (US Pub. 2002/0035697 A1) in view of Yamaguchi et al. (US Pub. 2006/0041598 A1).

Regarding claim 1, McCudy discloses a recording medium containing a program for causing a computer to obtain journals as update results from plural source databases, and distribute the journals to plural destination databases, said program comprising:

- obtaining the journal from the source database (abstract; ¶[0010] and [0105]-[0106], McCurdy discloses retrieving a copy of the requested document file reads on obtaining the journal);
- obtaining transaction identification information for identifying a transaction of updating the source database when the journal is obtained (¶[0010]; [0121]-[0123], McCurdy);
- rearranging the journal according to a count value and the transaction identification information before distributing a journal (¶[0010]; [0123] and [0129], McCurdy); and
- distributing the rearranged journal to the destination database for each transaction of updating the source database according to the transaction identification information (¶[0010]; [0076]; [0083] McCurdy discloses providing or sending a copy of requested document to the client).

McCurdy does not disclose updating plural source databases. Yamaguchi discloses a method and system of database management for replica databases while updating process of a database (see ¶[0010]; [0076]; [0082]-[0083], Yamaguchi). It would have been

obvious to one of ordinary skill in the art at the time of the invention was made to modify McCurdy to include the claimed feature as taught by Yamaguchi. The motivation of doing so would have been to efficiently manage large-volume database transactions (see ¶[0002], Yamaguchi).

Regarding claim 2, McCurdy/Yamaguchi combination discloses counting a number of times the source databases are updated (¶[0010]; [0076]; [0082]-[0083], Yamaguchi); rearranging the journals according to a count value and the transaction identification information before distributing the journals (¶[0010]; [0076]; [0082]-[0083], Yamaguchi); associating the journals with the transaction identification information obtained when the journals are obtained, and storing the journals and the transaction identification information in a journal storage unit; at a predetermined timing, obtaining transaction identification information associated with a smallest count value from the journal management information storage unit; and selecting journals corresponding to the transaction identification information obtained from the journal management information storage unit in journals stored in the journal storage unit as a journals to be distributed (¶[0082]; Fig.11; Fig.14 and corresponding text, Yamaguchi).

Regarding claim 3, McCurdy discloses a journal obtaining-distributing method for use by a computer obtaining a journal as an update result from a source database, and distributing the journal to a destination database, comprising:

- obtaining the journal from the source database (abstract; ¶[0010] and [0105]-[0106], McCurdy discloses retrieving a copy of the requested document file reads on obtaining the journal);

- obtaining transaction identification information for identifying a transaction of updating the source database when the journal is obtained (¶[0010]; [0121]-[0123], McCurdy);
- rearranging the journal according to a count value and the transaction identification information before distributing a journal (¶[0010]; [0123] and [0129], McCurdy); and
- distributing the rearranged journal to the destination database for each transaction of updating the source database according to the transaction identification information (¶[0010]; [0083] McCurdy discloses providing or sending a copy of requested document to the client).

McCurdy does not disclose updating plural source databases. Yamaguchi discloses a method and system of database management for replica database including counting the replica or updated database (see ¶[0082], Yamaguchi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify McCurdy to include the claimed feature as taught by Yamaguchi. The motivation of doing so would have been to efficiently manage large-volume database transactions (see ¶[0002], Yamaguchi).

Regarding claim 4, McCurdy/Yamaguchi combination discloses counting a number of times the source databases are updated (¶[0010]; [0076]; [0082]-[0083], Yamaguchi); rearranging the journals according to a count value and the transaction identification information before distributing the journals (¶[0010]; [0076]; [0082]-[0083], Yamaguchi); associating the journal with the transaction identification information obtained when the journal is obtained, and

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storing the journal and the transaction identification information in a journal storage unit; at a predetermined timing, obtaining transaction identification information associated with a smallest count value from the journal management information storage unit; and selecting a journal corresponding to the transaction identification information obtained from the journal management information storage unit in journals stored in the journal storage unit as a journal to be distributed (¶[0082]; Fig.11; Fig.14 and corresponding text, Yamaguchi).

Regarding claim 5, McCurdy discloses a journal obtaining-distributing apparatus which obtains a journal as an update result from a source database, and distributes the journal to a destination database, comprising:

- a journal obtaining unit obtaining the journal from the source database (abstract; ¶[0010] and [0105]-[0106], McCurdy discloses retrieving a copy of the requested document file reads on obtaining the journal);
- an identification information acquisition unit obtaining transaction identification information for identifying a transaction of updating the source database when the journal is obtained (¶[0010]; [0121]-[0123], McCurdy);
- a journal rearrangement unit rearranging the journal according to the count value and the transaction identification information before distributing a journal (¶[0010]; [0123] and [0129], McCurdy); and
- a journal distribution unit distributing the obtained journal to the destination database for each transaction of updating the source database (¶[0010]; [0083] McCurdy discloses providing or sending a copy of requested document to the client).

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McCurdy does not disclose updating plural source databases. Yamaguchi discloses a method and system of database management for replica database including counting the replica or updated database (see ¶[0082], Yamaguchi). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify McCurdy to include the claimed feature as taught by Yamaguchi. The motivation of doing so would have been to efficiently manage large-volume database transactions (see ¶[0002], Yamaguchi).

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The examiner can normally be reached on Mon-Thur (7:00AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

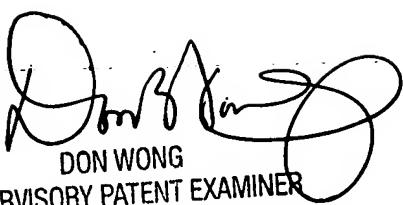
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Hanh B Thai  
Examiner  
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February 13, 2007



DON WONG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100